

REMARKS

Claims 1-15 are now pending in this application. Claims 1, 4, and 6-8 have been rejected. Claims 2, 3, 5, and 9 have been objected to. New claims 10-15 are added. Claims 2, 3, 5, and 9 have been amended herein to be made independent. Claims 1, 2, 3, 4, 6, 7, 8 and 9 have been amended herein for formalistic reasons. Support for new claims 10-15 can be found in the specification, for example, on page 6, first full paragraph (regarding claims 12 and 13), in Figure 3 (regarding claims 11 and 12) which shows that the steel material is in the shape of a solid object as opposed to being hollow, and on page 1, third full paragraph (regarding claims 14 and 15).

Claim 6 has been rejected under 35 U.S.C. § 112, second paragraph, as indefinite. The Office Action states that there is no antecedence for “blueing step.” Claim 6 has been amended from “the blueing step” to “a blueing step.” Accordingly, Applicants respectfully request that the rejection under 35 U.S.C. § 112, second paragraph, be withdrawn.

Claims 1, 4, 6, and 7 have been rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 2,741,833 (Beringer). “A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *See Verdegaal Brothers Inc. v. Union Oil Company of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987); MPEP

§ 2131. Claims 1 and 7 are patentable over Beringer at least for the reason that Beringer fails to disclose a torsion bar, as recited in claims 1 and 7. Beringer pertains to the shaping of tubing and there is no disclosure in Beringer of a torsion bar. The Office Action states that Beringer discloses a torsion bar because the workpiece in Beringer is “used in many arts” and may “constitute a part of the mechanism of an automotive vehicle.” However, as stated above, the Federal Circuit requires for anticipation that every element be expressly or inherently described. *See Verdegaal Brothers Inc. v. Union Oil Company of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). A workpiece that is “used in many arts” or may “constitute a part of the mechanism of an automotive vehicle” does not expressly or inherently teach a torsion bar, as recited in claims 1 and 7.

Furthermore, claims 1 and 7 recite that the hardness of the entire steel material is hardened. In contrast, Beringer recites, in column 1, lines 36-40, that a step in the invention of Beringer is “the step of applying a deformative pressure to a section of the tube by a tool” (emphasis added). Also, Figure 3 in Beringer, for example, shows that the entire tube is not put through the die. Thus, Beringer fails to disclose the entire steel material being hardened, as recited in claims 1 and 7. Accordingly, for the above mentioned reasons, claims 1 and 7 are patentable over Beringer and notice to that effect is respectfully requested. Claims 4 and 6 are

patentable at least for the reason that they depend from a patentable base claim. *See In re Royka and Martin*, 180 USPQ 580, 583 (CCPA 1974).

Claims 7 and 8 have been rejected under 35 U.S.C. § 102(b) as anticipated by GB 2,240,059 (Imura et al.). “A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *See Verdegaal Brothers Inc. v. Union Oil Company of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987); MPEP § 2131. Claim 7 is patentable over Imura et al. because the process of the current application provides a different structure than that of Imura et al. For example, claim 7 recites that cold drawing work is performed to heighten a hardness of the entire steel material. In contrast, in Imura et al., the cold drawing is only performed on certain longitudinal portions of the bar, as shown in Figs. 2A - 2E of Imura et al. Thus, not all of the torsion bar of Imura et al. is hardened and, therefore, the structure of the torsion bar in Imura et al. is different than the structure as claimed in claim 7 of the current application, where the entire structure is hardened. In fact, on page 6, third full paragraph of Imura et al. it is stated that “the Vickers hardness test was also performed on a surface P7 of a not-swaged portion, and on a center P8 of a diameter of the not-swaged portion.” Thus, portions P7 and P8 were not hardened, as specifically stated in Imura et al. In other words, not all of the

torsion bar of Imura et al. was hardened. Accordingly, claim 7 is patentable over Imura et al. and notice to that effect is respectfully requested.

Claim 8 is patentable at least for the reason that it depends from a patentable base claim. *See In re Royka and Martin*, 180 USPQ 580, 583 (CCPA 1974). Furthermore, Imura et al. fails to disclose that the hardness of the entire steel material after cold drawing work has a Vickers hardness of 320 to 450, as recited in claim 8. For example, portions P5, P6, P7, and P8, as shown in Table 1 of Imura et al., have a hardness that does not fall within the recitation of claim 8. Thus, claims 7 and 8 are patentable over Imura et al. and notice to that effect is respectfully requested.

Claims 2, 3, 5, and 9 have been deemed to contain allowable subject matter but have been objected to as dependent from a rejected base claim. Claims 2, 3, 5, and 9 have been made independent and it is respectfully requested that their objection be withdrawn.

New claims 10-15 have been added and are patentable at least for the reason that they depend from a patentable base claim.

Three independent claims in excess of three are added. **The fee of \$600.00 for the claims is provided for in the charge authorization presented in the PTO Form 2038, Credit Card Payment form, provided herewith.**

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In light of the foregoing, the application is now believed to be in proper form for allowance of all claims and notice to that effect is earnestly solicited.

Respectfully submitted,
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